

## REMARKS

In the Office Action dated April 20, 2007, claim 21 was rejected under 35 U.S.C. § 112, second paragraph. Claims 7, 9-13, 15, 29, 35, 38, 39, 46, 55 and 57 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,899,011 of Brinkman. Claim 54 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Brinkman in view of U.S. Patent No. 6,026,603 of Kump et al. (Kump). Claim 43 was rejected under 35 U.S.C. § 103 as being unpatentable over Brinkman in view of Kump and in further view of U.S. Patent No. 4,373,693 of Greenberger. It was stated that claims 36, 44, 45 and 56 are objected to as being dependent on a rejected base claim. These claims were said to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16-19, 23-28 and 47-53 were said to be allowed. For the reasons outlined in detail below, it is respectfully submitted that the pending claims are in condition for allowance over the art of record.

### Independent Claim 7 and Dependent Claims 8-15

Independent claim 7 was rejected as being anticipated by Brinkman. It was stated that Brinkman discloses a holder having a body panel 14 with a front surface, a rear surface, a lower end 18, a first clip member 70 extending rearwardly from the rear surface and a second clip member 60 spaced from the first clip member. The second clip member is said to include a stem 62 extending rearwardly away from the rear surface and at least one arm 130 extending from the stem and disposed adjacent the distal end of the stem. In this connection, it was contended that the "stem" is considered to be that portion of element 66 which extends from the body to the point where the arm 130 is attached. The rest of the element 66 was considered to be a

second arm. It was stated that in Brinkman the first and second clip members cooperate to selectively hold between them a projecting portion of the associated shelf and wherein the first clip 70 generally defines an L-shape and is connected proximal to the lower end of the body panel. A cover panel 20 was said to be connected to the body panel with the cover panel having a front surface, a rear surface, an upper end and a lower end.

Applicant notes that claim 7 now recites a first clip member including a distal portion and a proximal portion, as well as a second clip member. The second clip member includes a stem extending rearwardly away from the rear surface with the stem including a downwardly oriented portion which extends toward the first clip member proximal portion. This design can be seen in Figures 1-4, i.e., the elected Species I. It is respectfully submitted that there is no teaching or disclosure in the applied Brinkman reference of such a label holder. More specifically, in Brinkman, the second clip member 60 has, as noted in the Office Action, a stem 62 which is considered that portion of element 66 which extends from the body to the point where the arm 130 is attached, i.e., the lower half of the second clip member. This stem does not include a downwardly oriented portion which extends toward the first clip member. At best, the two are parallel, note sections 62 and 72. Mostly, however, the "stem" extends upwardly as is evident from Figure 4. Therefore, the Brinkman reference does not meet the limitations of the claims. As a result, it is respectfully submitted that claim 7 patentably defines over Brinkman. It also defines over the remainder of the cited art.

Dependent claims 9-13 and 15 which merely further patentably define the detailed subject matter of their parent claim or each other are also believed to be in condition for allowance over the art of record.

Independent Claim 16 and Dependent Claims 17-19 and 23-27

The allowance of these claims is gratefully acknowledged.

Independent Claim 28

The allowance of claim 28 is gratefully acknowledged.

Independent Claim 29 and Dependent Claims 35-39, 43-36 and 54-57

Claims 29, 35, 38, 39, 46, 55 and 57 were rejected as being anticipated by Brinkman. Also, claim 54 was rejected as being unpatentable over Brinkman in view of Kump. Moreover, claim 43 was rejected as being unpatentable over Brinkman in view of Kump and Greenberger. In this connection, it was stated that Brinkman discloses a holder having a rear panel 14, a front panel 20 secured to the rear panel along the bottom edge of the front panel, a first gripping member 70 extending rearwardly from the rear panel and a second gripping member 60 also extending rearwardly from the rear panel. It was stated that the second gripping member is spaced from the first gripping member, wherein the first and second gripping members are of one piece with a first portion of the rear panel. It was further stated that the second gripping member comprises a stem 62 and at least one arm 130 extending downwardly from the stem, wherein the first gripping member cooperates with the rear panel to form a pocket and the second gripping member is located in the pocket.

However, claim 29 also recites that the second gripping member is located entirely in the pocket. This certainly is not true of Brinkman. Rather, in all the

embodiments of Brinkman, the second gripping member extends out of the "pocket" formed between the first gripping member and the rear panel. This is evident in all of Figures 1-5 of Brinkman. In contrast, the claimed invention is to a design, such as is illustrated in all of Figures 1-4, in which the second gripping member 82 is located entirely in the pocket formed between the rear panel 12 and the first gripping member 80. With such a design, a shelf section, such as illustrated in Figure 4 and identified by numerals 74 and 76, can be more easily gripped between the first and second gripping members in order to hold the label holder more readily to the shelf.

Because the claimed invention is not disclosed in Brinkman, it is respectfully submitted that claim 29 patentably defines over Brinkman. The teachings in Kump and Greenberger do not supply those elements which are clearly missing from Brinkman. Therefore, it is respectfully submitted that claim 29 also defines over a combination of Brinkman with Kump and/or Greenberger. Moreover, claim 29 defines over the remainder of the cited art.

Dependent claims 35, 37-39, 43, 46, 54, 55 and 57 -- which merely further patentably define the detailed subject matter of their parent claim or each other -- are also believed to be in condition for allowance over the applied art and the remaining art of record.

It is appreciated that claims 36, 44, 45 and 56 were merely objected to as being dependent on a rejected base claim. However, it is respectfully submitted that these claims are in patentable condition, even in their dependent form, for the reasons outlined in detail above.

In view of the foregoing, it is respectfully submitted that all of the pending claims are now in condition for allowance over the art of record. Such allowance is earnestly solicited.

Respectfully submitted,

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